

## FDNY EMT injured on the job wading through a bureaucratic mess to get disability pension

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Hakeem Watkins, 31, has been denied a disability pension by the medical board of the New York City Employees Retirement System — even after its members had him hospitalized out of fear of a suicide attempt. (Byron Smith)

An FDNY EMT who got hurt on the job now finds himself in a medical mess with the city's pension board.

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Hakeem Watkins, 31, has been denied a disability pension by the medical board of the New York City Employees Retirement System — even after its members had him hospitalized out of fear of a suicide attempt.

After Watkins admitted in his first disability pension hearing that he had thoughts of harming himself, the board ordered him to the hospital for a psychiatric evaluation, court records show.

NYCERS also found him fit to return to work — and denied his application for disability retirement.

When Watkins returned to speak to the board during his second attempt at a disability, NYCERS made sure to have a security guard present, according to Watkins' attorney.

"So, you don't feel safe with me in the room, but it's okay to send me back out to deal with the public," said Watkins, who lives in Bedford-Stuyvesant.

"I'm extremely frustrated. I didn't go to work planning to get hurt — I really don't know what else to say because I've given them all my medical evidence and they still won't budge," said the ex-EMT.

Watkins was first admitted to the FDNY Oct. 9, 2012 — and he got hurt a mere nine months later, on July 1, 2013, according to medical records.

"I'm extremely frustrated. I didn't go to work planning to get hurt — I really don't know what else to say because I've given them all my medical evidence and they still won't budge," said the ex-EMT. (Byron Smith)

The EMT was lifting a stretcher onto an ambulance bay at Brookdale Hospital when he suffered the injury to his spine, his lawyer said.

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Watkins wound up with "several bulging discs and herniation in his lower back," according to court records. He also suffered from depression and "psychotic symptoms."

A doctor with the FDNY Bureau of Health Services refused to let Watkins return to work, stating that his injuries left him unable to function as an EMT.

After 18 months on sick leave, he was terminated by the FDNY.

The state Workers Compensation Board found him disabled because of his spinal issues and psychological challenges — but without approval from the NYCERS medical board, he's ineligible for lifelong disability pay, which would be three-quarters of his annual salary of \$33,000.

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After Watkins was rejected by NYCERS the first time, he and his lawyer filed an Article 78 proceeding in Brooklyn Supreme Court.

After hearing from both sides, Judge Carl Landicino remanded Watkins case back to NYCERS for re-evaluation, noting that its medical board didn't examine Watkins lower back during his first application and ignored other parts of his physical examination as well as the MRI of his injured discs.

NYCERS medical board sent Watkins to one of its mental health doctors, who initially said the EMT's depression and psychological problems were too severe for him to return to work. After that doctor made a disability finding, NYCERS medical board sent him to a different psychologist, who said Watkins was suggestive of a malingerer who exaggerated his mental health symptoms.

The medical board referred that report back to the doctor who initially found Watkins mentally disabled — and that doctor reversed his opinion, without re-interviewing Watkins, according to Jeffrey Goldberg, the ex-EMT's attorney.

"We've been told Hakeem's second application was denied, although we are still waiting for the medical report that will explain why," said Goldberg.

"In the first decision, the medical board was shopping for a certain answer. We're glad the court recognized how they operate and threw out the results," said Goldberg, who plans to continue to fight the latest decision against Watkins.

NYCERS declined comment, citing privacy concerns.

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Ginger Adams Otis joined the NY Daily News in 2012 and worked on the rewrite desk as well as special investigations and assignments before moving on to head the paper's "On the Job" beat, as both a columnist and reporter.